



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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Washington, D.C. 20231

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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09/438,037
JMM

EXAMINER

ART UNIT	PAPER
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0226

DATE MAILED: 2/26/03

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

For applicant's petition, examiner has disclosed actions taken by the office after receipt of applicant's amendment filed August 20, 2002 in regards to application 09/438,037. Applicant timely filed an amendment to the office action filed June 20, 2002. The case was subsequently forwarded to examiner January 15, 2003 and a non-responsive action for lack of a marked up copy was filed January 16, 2003. Applicant contacted examiner by telephone to ask for clarification of the non-responsive action. Upon investigation, examiner found that because application was now an E-Phoenix case that no marked up copy was needed; the non-responsive action was sent in error. Applicant's six month period for reply had expired.

JMM